## REMARKS

Claims 54-71 stand rejected. Claim 58 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for insufficient antecedent basis for the limitation "the usage." Claims 54-55, 57-58, 61-62, and 65-72 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5797134 ("McMillan") or, in the alternative, under 35 U.S.C. § 103(a) over McMillan in view of Butler ("Butler"). Claims 56, 59-60, 63-64 stand rejected under 35 U.S.C. § 103(a) over McMillan, in view of Butler and further in view of applicant admitted prior art and official notice. Applicants amend claims 54-67 and claim 70. Applicants also add claims 73-108 and cancel claims 68 and 69. Support for new claims 73-76 can be found at least in paragraphs [0074]-[0077]. Claims 77-108 merely replicate the dependent claims originally dependant from claim 54 for previously presented independent claims 71 and 72. No new matter is added.

Applicants wish to thank Examiner Nguyen for his time and consideration during the telephonic interview with the undersigned of June 26, 2008 and the subsequent discussion of July 2, 2008. During the interview, Applicants discussed the McMillan and Butler references in relation to the independent claims and proposed revisions thereto. No agreement was reached to with respect to the patentability of any specific claim. However, Applicants agreed, solely for the purpose of moving prosecution forward and without conceding the patentability of any previously presented claim, to provide additional proposed claims. Such claims are provided herein as new claims 73-76. Applicants respectfully request a further interview with Examiners Nguyen and Gilligan in light of the above amendments and the following remarks prior to issuance of any further Office Action, as suggested by Examiner Nguyen.

Applicants' Amendments to Claims 55 and 56 Render the Objections Moot

Applicants amend claim 55 to recite "an industry", thereby rendering the objection to claim 55 moot. Applicants amend claim 56 to recite a "Standard Industrial Classification code" instead of an "SIC" code. Support for this amendment can be found in paragraph [0070]. Applicants therefore request withdrawal of the objection to claims 55 and 56.

Applicants Amendment to Claim 58 Obviates the § 112 rejection

Applicants amend claim 58 to recite "usage of technology incorporated into the property" instead of the "the usage..." Applicants therefore request withdrawal of the § 112 rejection of claim 58.

Amended Independent Claims 54, 71, and 72 Distinguish Over McMillan and Butler

Claims 54, 71, and 72 stand rejected alternatively under § 102(b) over McMillan or under § 103(a) over McMillan in view of Butler. Claims 54, 71, and 72 share a number of similar elements. Amended claim 54 recites a computerized method, original claim 71 recites a system, and original claim 72 recites a computer readable medium comprising instructions, each for insuring property. In relevant part, each of these claims (54, 71, and 72) recites underwriting a property based on an indicated intended use. The underwriting is accomplished in part by applying use-specific underwriting guidelines that take into account sensor data collected with respect to the property. A request for insurance is then accepted or denied based on the underwriting.

Neither McMillan nor Butler describe, teach, or suggest the application of use-specific underwriting guidelines that take into account sensor data collected with respect to a property to be insured. The Action asserts that this subject matter is disclosed in McMillan at column 2, line 28 and at column 1, line 30. Applicants disagree. Column 2, line 28 merely asserts that business use surcharges are common in insurance pricing schemes. To the extent that this simplistic rule might constitute a use-specific underwriting guideline, which Applicants do not concede it does, the rule does not take into account collected sensor information. While elsewhere McMillan describes taking sensor data into account in determining a premium, it does not do so in the context of a use-specific underwriting guideline. Such underwriting guidelines, however, are the explicit subject matter of independent claims 54, 71, and 72.

The Action also appears to argue that a human may serve as a sensor and therefore an indication of the make and model of car may serve as collected sensor data. Applicants disagree.

No reasonable interpretation of a sensor would include a human. First, such an interpretation is counter to the plain meaning of the term "sensor". See MPEP 2111.01(III). According to the American Heritage Dictionary of the English Language: Fourth Edition. 2000., the first definition of the word "sensor" is "a device, such as a photoelectric cell, that receives and responds to a signal or stimulus. Similarly, Merriam-Webster's Online Dictionary, 10th Edition, defines "sensor" to be "a device that responds to a physical stimulus (as heat, light, sound, pressure, magnetism, or a particular motion) and transmits a resulting impulse (as for measurement or operating a control)." These definitions are completely consistent with the specification. At paragraph [0016], the specification defines the term sensor to include diagnostic tools, measurement devices, detectors and sensors. In each of these definitions, a sensor is a device, not a person. Considering a person to be a sensor would be contrary to the plain meaning of the term and the way in which the term is consistently used in the specification, and thus constitutes an unreasonable interpretation of the claim. In addition, even if such information did constitute collected sensor data, McMillan does not describe, teach, or suggest using such information in the context of a use-specific underwriting guideline.

Thus, neither McMillan nor Butler describe, teach, or suggest the application of use-specific underwriting guidelines that take into account sensor data collected with respect to a property to be insured. Applicants therefore request reconsideration and withdrawal of the § 102 and § 103 rejections of claims 54, 71, and 72.

Amended claim 54 recites additional subject matter that further distinguishes it over the cited references. Claim 54 was amended to include the subject matter of claims 68 and 69. Specifically, amended independent claim 54 recites the calculation, by a computer, of a premium for the property to be insured based at least in part on the collected sensor data. Amended claim 54 further recites that the effect of the collected sensor data on the calculation of the premium varies based on the indicated use. McMillan and Butler fail to disclose, teach, or suggest this subject matter. The Action fails to provide any specific support for the proposition that McMillan or Butler discloses a premium calculation process in which sensor data is taken into account in a variable fashion depending on the use of the property. At best, McMillan suggests adding a sensor-data-

independent surcharge depending on whether a vehicle is used for business or personal use. Thus, McMillan fails to disclose, teach, or suggest using a premium calculation method in which the effect of sensor data on the calculation varies based on an indicated use of the property.

Applicants therefore request reconsideration and withdrawal of the § 102 and § 103 rejections of claim 54 for these additional grounds. Claims 55-67 and claim 70 depend on claim 54 and add further limitations thereto. Applicants therefore request reconsideration and withdrawal of the §°102 and §°103 rejections of these claims, too.

Claim 55 recites additional subject matter that further distinguishes over McMillan and Butler. Claim 55 recites that the indication of use includes an indication of an industry in which the property is used. The Action again relies on the passing distinction drawn in McMillan between business and non-business use of property (column 2, lines 23-28). An indication of business use versus personal use, however, does not constitute an indication of an industry for which the property is used. Applicants therefore request reconsideration and withdrawal of the § 102 and § 103 rejections of claim 55 on this additional grounds.

With respect to claims 59, 60, and 63-64, which recite utilizing the methodology described above for goods, buildings, boats, and airplanes, the Action asserts Applicants admit that insuring such property is known. While this may be the case, Applicants do not admit that those skilled in the art would apply the underwriting methodology recited in claim 54, from which these claims depend, to such types of property. In fact, the specification suggests exactly the opposite. See paragraph [0015]. The Action fails to provide any evidence or rationale to refute this assertion. Therefore, Applicants request reconsideration and withdrawal of the §102 and § 103 rejections of claims 59, 60, 63, and 64.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. HSDO-P01-002 from which the undersigned is authorized to draw.

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Respectfully submitted,

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